IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 7 OF 2006

DR. JAIRAM KARMALKAR ... Petitioner
Versus
STATE OF GOA THROUGH THE CHIEF SECRETARY AND 6 ORS. ... Respondents

Ms. Norma Alvares, Advocate for the petitioner.
Ms. W. Coutinho,Government Advocate for the respondents No.1,3,4 & 5.
Mr. S. G. Dessai, Senior Advocate with Mr. Shivan Dessai for the respondent No.2.
Mr. V. Rodrigues, Advocte for the respondent No.7.

Coram:- R. S. MOHITE &
N. A. BRITTO, JJ.

Date:- 17th July, 2007

P.C.

Heard the learned Counsel on behalf of the petitioner and the respondents.

The petitioner had complained regarding the running of 'Vanilla Lounge Bar' being constructed in violation of Coastal Zone Regulations and Noise Pollution from the activities being carried out therein.

Notices having been issued to the respondents, the Coastal Zone Management Authority by decision dated 11.06.2007 has already ordered the demolition of the said 'Vanilla Lounge Bar'.

The respondent Panchayat by its affidavit dated 16.7.2007 has stated that the Panchayat will issue show cause notice for the illegal construction within 10 days and will take action in terms of law to remove the illegal structure. We accept the said statement and direct the village Panchayat to take appropriate action by issuing show cause notice and to take final

decision within a period of 60 days from today.

Since the authorities namely the Coastal Zone Management Authority has taken action and the Village Panchayat has undertaken to take action, we don't propose to keep the petition pending.

Nevertheless we find that there were several representations made to the Village Panchayat by the petitioner and others to take action against the said Vanilla Lounge Bar and due to its inaction the petitioner was compelled to approach this Court and that must have certainly been at the costs of his time and money. The petitioner espoused a public cause. It was the duty of the Respondent Village Panchayat to take immediate action on complaints received.

We therefore, propose to compensate the petitioner by directing the Village Panchayat to pay to the petitioner the sum of Rs.10,000/- out of which a sum of Rs.5000/- shall be paid to the learned Amicus Curiae. The said sum of Rs.10,000/- to be deposited before this Court within a period of 15 days.

The learned Senior Counsel Shri. Dessai on behalf of said Vanilla Lounge Bar submits that he has already filed a petition to challenge the order of the Coastal Zone Management Authority. The petition shall be dealt with on its own merits.

Petition disposed off.

R. S. MOHITE, J.

N. A. BRITTO, J.

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